

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

<b>Appellants:</b> Travis J. Parry  <b>Title:</b> METHOD AND SYSTEM FOR ONLINE PRINTER ERROR DATABASE  <b>Appl. No.:</b> 10/006,637  <b>Filing Date:</b> 11/08/2001  <b>Examiner:</b> Winder, Patrice L.  <b>Art Unit:</b> 2145	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="text-align: center; padding: 2px;"><b><u>CERTIFICATE OF FACSIMILE TRANSMISSION</u></b></td></tr><tr><td style="text-align: center; padding: 2px; font-size: small;">I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.</td></tr><tr><td style="height: 40px;"></td></tr><tr><td style="text-align: center; padding: 2px;"><i>Todd A. Rathe</i></td></tr><tr><td style="text-align: center; padding: 2px; font-size: x-small;">(Printed Name)</td></tr><tr><td style="height: 40px;"></td></tr><tr><td style="text-align: center; padding: 2px; font-size: x-small;">(Signature)</td></tr><tr><td style="height: 40px;"></td></tr><tr><td style="text-align: center; padding: 2px; font-size: x-small;">(Date of Deposit)</td></tr></table>	<b><u>CERTIFICATE OF FACSIMILE TRANSMISSION</u></b>	I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.		<i>Todd A. Rathe</i>	(Printed Name)		(Signature)		(Date of Deposit)
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**BRIEF ON APPEAL**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**1. Real Party in Interest**

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249, Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, California. The general or managing partner of HPDC is HPQ Holdings, LLC.

## **2. Related Appeals and Interferences**

There are no related appeals or interferences that will directly affect, be directly affected by, or have a bearing on the present appeal, that are known to Appellants or Appellants' patent representative.

## **3. Status of Claims**

Claims 1-20 were originally pending in the application. In response to a restriction requirement mailed on June 2, 2005, Appellants' elected claims 1-15. In response to the first substantive Office Action mailed on February 9, 2006, Appellants canceled claims 3, 4 and 16-20, amended claims 1, 7 and 9 and added claims 21-27. Concurrent with the filing of this replacement appeal brief on October 05, 2007, an amendment under 37 CFR 41.33(b) was filed canceling claims 1, 2, 5, 6, 22 and 25 and rewriting former dependent claim 21, 26 and 27 in independent form to place the application in better form for appeal. It was agreed upon in an earlier Examiner interview that such amendments would be entered. This is an appeal from the Final Office Action mailed on December 29, 2006 finally rejecting claims 7-15, 21, 23-24, 26 and 27. The present appeal is directed to claims 7-15, 21, 23-24, 26 and 27.

## **4. Status of Amendments**

An Amendment after Final was filed on February 26, 2007 requesting entry of amendments: (1) canceling dependent claim 21 and incorporating its limitations into-base claim 1; (2) canceling dependent claim 27 and incorporating its limitations into-base claim 25 and (3) additionally canceling claims 2, 5, 6 and 22. Entry of such amendments was denied. Concurrent with the filing of the replacement appeal brief on October 5, 2007, an amendment under 37 CFR 41.33(b) was filed canceling claims 1, 2, 5, 6, 22 and 25 and rewriting former dependent claim 21, 26 and 27 in independent form to place the application in better form for appeal. It was agreed upon in an earlier Examiner interview that such amendments would be entered.

## **5. Summary of Claimed Subject Matter**

Claim 7 recites a method of collecting information on printer errors over a network, comprising:

- providing a printer (10, Figure 1; page 10, lines 10-12) incorporating a web server (12, Figure 1; page 5, lines are 10-15 and 26-28), said printer comprising an error detector (23, Figure 1; page 7, lines 6-7) for detecting errors in printing functions (page 11, lines 14-16);

- attaching said printer to a network, such that said web server is linked to said network (page 5, lines are 10-15 and 26-28; page 11, lines 16-17);

- providing at least one receiving computer (42, Figure 2; page 8, lines 17-19) in communication with said network (page 11, lines 17-18), said at least one receiving computer including at least one online error database (60, Figure 2; page 9, lines 18-19) stored within a memory (52, Figure 2, page 8, lines 19-20) therein (page 11, lines 18-19), said at least one online error database capable of receiving an error message generated by said printer and conveyed over said network (page 10, lines 10-12; page 11, lines 20-21);

- conveying a print job over said network to said printer (page 11, lines 22)

- receiving said print job at said printer (page 11, lines 22-23);

- examining said print job for transmittal errors with said error detector (page 11, lines 22-23);

- detecting transmittal errors in said print jobs which contain transmittal errors (page 11, line 23);

- generating a transmittal error message containing details of said transmittal errors (page 11, lines 24-25);

- conveying said transmittal error message over said network with said web server automatically in response to detection of the transmittal error (page 5, lines 4-6, page 9, lines 13-27; page 11, lines 24-25);

- receiving said transmittal error message into said at least one online error database by said receiving computer (page 11, lines 25-26).

Claim 8 depends from claimed 7 and recites that the method further comprises:

- processing said print job with said printer (page 11, lines 27-28);

detecting process errors where said processing results in said process errors (page 11, lines 29-30);

generating a process error message containing details of said process errors (page 11, line 30); and

conveying said process error message over said network with said web server automatically in response to detection of the process error (page 5, lines 4-6, page 9, lines 13-27; page 11, lines 30-31);

receiving said process error message into said at least one online error database by said receiving computer (page 11, lines 31-32).

Claim 9 depends from claim 7 and recites that the method further comprises:

printing a document specified in said print job with said printer (page 11, line 32-page 12, line 1);

detecting output errors where said printing results in said output errors (page 12, lines 1-2);

generating an output error message containing details of said output errors (page 12, lines 2-3;

conveying said output error message over said network with said web server automatically in response to detection of the output error (page 5, lines 4-6, page 9, lines 13-27; page 12, lines 3-4); and

receiving said output error message into said at least one online error database by said receiving computer (page 12, lines 4-5).

Claim 21 recites a system for garnering information on printer errors, comprising:

a plurality of printers (10, Figure 1; page 10, lines 10-12), each printer incorporating a web server (12, Figure 1; page 5, lines are 10-15 and 26-28) linked to a network (page 5, lines are 10-15 and 26-28), each printer including an error detector (23, Figure 1; page 7, lines 6-7) for detecting errors in printing functions;

at least one receiving computer (42, Figure 2; page 8, lines 17-19) in communication with said network, said at least one receiving computer having a memory (52, Figure 2, page 8, lines 19-20) thereon; and

at least one online error database (60, Figure 2; page 9, lines 18-19) stored within the memory of said at least one receiving computer, said at least one online error database capable of receiving an error message generated by any of the plurality of printers and conveyed over said network (page 10, lines 10-12).

Claim 21 further recites that the printer is configured to automatically generate and convey the error message over said network to the at least one online error database upon detection of an error (page 5, lines 4-6, page 9, lines 13-27).

Claim 26 recites a method comprising:

detecting a first error at a first printer (10, Figure 1; page 10, lines 10-12) incorporating a first web server (page 11, line 23; page 11, lines 29-30);

generating a first error message at the first printer (page 11, lines 24-25; page 11, line 30);

conveying the first error message to a first online error database (60, Figure 2; page 9, lines 18-19) with the first web server (12, Figure 1; page 5, lines 10-15 and 26-28) over a network (page 5, lines 10-15 and 26-28; page 11, lines 24-25; page 11, lines 30-31);

detecting a second error at a second printer incorporating a second web server (page 11, line 23; page 11, lines 29-30);

generating a second error message at the second printer (page 11, lines 24-25; page 11, line 30); and

conveying the second error message to the first online error database (60, Figure 2; page 9, lines 18-19) with the second web server over a network (page 11, lines 24-25; page 11, lines 30-31).

Claim 26 additionally recites that the first error message is automatically conveyed to the online error database in response to detection of the first error (page 5, lines 4-6, page 9, lines 13-27).

Claims 27 recites a method comprising:

detecting a first error at a first printer (10, Figure 1; page 10, lines 10-12)

incorporating a first web server (page 11, line 23; page 11, lines 29-30);

generating a first error message at the first printer (page 11, lines 24-25; page 11, line 30);

conveying the first error message to a first online error database (60, Figure 2; page 9, lines 18-19) with the first web server (12, Figure 1; page 5, lines 10-15 and 26-28) over a network (page 5, lines 10-15 and 26-28; page 11, lines 24-25; page 11, lines 30-31);

detecting a second error at a second printer incorporating a second web server (page 11, line 23; page 11, lines 29-30);

generating a second error message at the second printer (page 11, lines 24-25; page 11, line 30); and

conveying the second error message to the first online error database (60, Figure 2; page 9, lines 18-19) with the second web server over a network (page 11, lines 24-25; page 11, lines 30-31).

Claim 27 additionally recites that the method further comprises:

for each of a first plurality of printers (10, Figure 1; page 10, lines 10-12) comprising a first model type or running a first set of software programs, the first plurality of printers including the first printer and the second printer, conveying generated error messages to the first online error database based on the first model type or the first set of software programs of each of the first plurality of printers (page 10, lines 10-20); and

for each of a second plurality of printers having a second distinct model type or running a second distinct set of software programs, each printer of the second plurality of printers incorporating a web server:

detecting error messages;

generating error messages; and

conveying the generated error messages to a second online error database based on the second distinct model type or second set of software programs of each of the second plurality of printers (page 10, lines 10-20).

## **6. Grounds of Rejection to be Reviewed on Appeal**

The issues on appeal are (1) whether the Examiner erred in rejecting Claims 7, 8, 9, 21, 26 and 27 under 35 U.S.C. § 112, first paragraph as not satisfying the written description requirement and (2) whether the Examiner erred in rejecting Claims 21 and 26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,782,495 (Bernklau-Halvor).

## **7. Argument**

### **I. Legal Standards**

#### **A. Law Regarding the Written Description Requirement**

Claims 7, 8, 9, 21, 26 and 27 have been rejected as failing to meet the written description requirement under 35 USC Section 112, first paragraph which states:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

With regard to the written description requirement, MPEP 2163 states:

A description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. See, e.g., *In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). The examiner, therefore, must have a reasonable basis to challenge the adequacy of the written description. The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the

invention defined by the claims. *Wertheim*, 541 F.2d at 263, 191 USPQ at 97.

....

An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997). Possession may be shown in a variety of ways including description of an actual reduction to practice, or by showing that the invention was "ready for patenting" such as by the disclosure of drawings or structural chemical formulas that show that the invention was complete, or by describing distinguishing identifying characteristics sufficient to show that the applicant was in possession of the claimed invention. See, e.g., *Pfaff v. Wells Elecs., Inc.*, 525 U.S. 55, 68, 119 S.Ct. 304, 312, 48 USPQ2d 1641, 1647 (1998); *Eli Lilly*, 119 F.3d at 1568, 43 USPQ2d at 1406; *Amgen, Inc. v. Chugai Pharmaceutical*, 927 F.2d 1200, 1206, 18 USPQ2d 1016, 1021 (Fed. Cir. 1991) (one must define a compound by "whatever characteristics sufficiently distinguish it"). "Compliance with the written description requirement is essentially a fact-based inquiry that will 'necessarily vary depending on the nature of the invention claimed.'" *Enzo Biochem*, 323 F.3d at 963, 63 USPQ2d at 1613.

There is no *in haec verba* requirement, newly added claim limitations may be supported in the specification through express, implicit, or inherent disclosure. *In re Oda*, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971). The fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as claimed. See, e.g., *Vas-Cath, Inc.*, 935 F.2d at 1563-64, 19 USPQ2d at 1117.

#### B. Law of Anticipation

Claims 21 and 26 have been rejected under 35 U.S.C. § 102(e), which in part states:



A person shall be entitled to a patent unless —

...

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent ...

....

Under Section 102, a claim is anticipated, i.e., rendered not novel, when a prior art reference discloses every limitation of the claim. In re Schreiber, 128 F.3d 1473, 1477 (Fed. Cir.1997). Although a prior art device “may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.” In re Mills, 916 F.2d 680, 682 (Fed. Cir. 1990). “Rejections under 35 U.S.C. § 102(a) are proper only when the claimed subject matter is identically disclosed or described in the prior art.” In re Arklely, Eardley, and Long, 172 U.S.P.Q. 524, 526 (CCPA 1972).

Claim terms will be given their ordinary and accustomed meaning, unless there is “an express intent to impart a novel meaning to [the] claim [term]” by the patentee. York Prods., Inc. v. Cent. Tractor Farm & Family Ctr., 99 F.3d 1568, 1572 (Fed. Cir. 1996); Sage Prods. v. Devon Indus., Inc., 126 F.3d 1420, 1423 (Fed. Cir. 1997). The ordinary and accustomed meaning of a claim term is determined by reference to dictionaries, encyclopedias, and treatises available at the time of the patent. See Texas Digital Systems, Inc., 308 F.3d at 1203. Such references are always available for claim construction purposes and are neither extrinsic nor intrinsic evidence. See Texas Digital Systems, Inc. v. Telegenix, Inc., 308 F.3d 1193, 1202-03 (Fed. Cir. 2002).

In order to impart a specific meaning to a claim term, i.e., for the inventor to be her own lexicographer, such lexicography must appear “with reasonable clarity, deliberateness, and precision.” In re Paulsen, 30 F.3d 1475, 1480 (Fed. Cir. 1994). However, intrinsic evidence may be consulted to determine the definite meaning of a claim term that is unclear. CCS Fitness, Inc. v. Brunswick Corp., 288 F.3d 1359,

1367 (Fed. Cir. 2002). A claim term may be redefined without any express statement of redefinition in the specification. Bell Atl. Network Servs., Inc. v. Covad Communications Group, Inc., 262 F.3d 1258, 1268 (Fed. Cir. 2001). “[A] claim term will not carry its ordinary meaning if the intrinsic evidence shows that the patentee distinguished that term from prior art on the basis of a particular embodiment” or “described a particular embodiment as important to the invention.”

**II. The Examiner's Rejection of Claims 7, 8, 9, 21, 26 and 27 under 35 U.S.C. § 112, first paragraph Should Be Reversed Because the Originally Filed Specification Evidences Possession of the Invention Set Forth in Claims 7, 8, 9, 21, 26 and 27**

The fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as claimed. See, e.g., *Vas-Cath, Inc.*, 935 F.2d at 1563-64, 19 USPQ2d at 1117. The burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an Appellant's disclosure a description of the invention defined by the claims rests with the examiner. *Wertheim*, 541 F.2d at 263, 191 USPQ at 97. The Examiner has failed to satisfy this burden. Accordingly, the rejection of the claims under 35 U.S.C. § 112, first paragraph is improper and should be reversed.

**A. Claims 7, 8, 9, 21 and 26**

The Examiner rejected claims 7, 8, 9, 21 and 26 under 35 USC 112, first paragraph as allegedly containing subject matter not described in the specification. In particular, the Examiner asserts:

The amendment and newly presented claims include the limitation (and its variations) of error messages "automatically conveyed over the network with a Web server in response to detection of the transmittal error". According, the specification at paragraphs [0028]-[0030], the errors conveyed after being detected. This is not exactly the same as being "in response to detection". Applicant's amendment introduces "new matter" with the concept of "responsive to detection".

However, in contrast the assertion made by the Examiner, the specification does indeed provide support for the recitation that the error messages are "automatically conveyed over the network with a web server in response to detection of the ... error". In presenting such amendments, the previous response filed by Appellant pointed to Paragraphs [0028]-[0030] in context of Paragraph [0005]. Paragraph [0005] is found at the end of the Background section of the present

application and provides context for the rest of the application. Paragraph [0005] specifically states:

Errors that are relatively easy for a user to remedy may never be reported, even if they occur frequently. Even in-depth testing of individual printers may fail to show a pattern of errors that is common for that printer model, in actual use. The ability to automatically gather actual information on common printer errors for a large number of similar printers would constitute an improvement in the art.

(Emphasis added).

Paragraphs [0028] and [0029] describe a method wherein upon detection of errors, such errors are automatically conveyed. Paragraphs [0028] and [0029] recite:

**[0028]** If error detector 23 detects an error at any of the error detecting steps, an error message is generated as shown in box E4. The error message may be generated by the error detector 23, or by the web server 12. In some preferred embodiments, the error message is then written into an internal error log that is kept in the memory 22 of the printer 10.

**[0029]** Web server 12 then uses microprocessor 20 to convey the error message to an online error database 60. If necessary, web server 12 may be used to convert the error message into an appropriate format, such as an HTML file or an email message. Web server 12 then conveys the error message, in appropriate format, as one or more data packages (in accordance with a transfer protocol such as IP or TCP) to the network address of computer 42. In an embodiment, such as that depicted in FIG. 3, this requires the data packets to be conveyed through network interface 16 and network 30, over the internet to I/O interface 46 of computer 42. Computer 42, which is preferably a network server, receives and assembles the data packet into the error message which is stored in the online database 60 in memory 52. Preferably, the reception and assembly is accomplished by microprocessor 50.

(Emphasis added).

Thus, Paragraphs [0028] and [0029] describe that if error detector 23 detects an error (Paragraph [0028]), then the error messages conveyed with a Web server (Paragraph [0029]. Nowhere do Paragraphs [0028] or [0029] describe or even mention any necessary intervening trigger or input before the error message is conveyed by the Web server. Those of ordinary skill in the art clearly would understand the "if-then" description in Paragraphs [0028] and [0029] as describing an automatic response. Software or other programmers would clearly understand this relationship and meaning.

Unlike Bernklau-Halvor which is relied upon by the Examiner in rejecting the claims, Paragraphs [0028] and [0029] do not describe a process which requires the user to provide an input ( a service request) before an error message is conveyed. Although Paragraphs [0028 and [0029] do not "exactly" use the term "automatically", there is no *in haec verba* requirement for claim limitations; newly added claim limitations may be supported in the specification through express, implicit, or inherent disclosure. *In re Oda*, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971). One of ordinary skill in the art would clearly understand from such paragraphs that the error message is automatically conveyed in response to detection of the error and that Appellant had possession of this invention, especially in light of the fact that Paragraph [005] of the specification closes by explicitly stating that:

The ability to automatically gather actual information on common printer errors for a large number of similar printers would constitute an improvement in the art.

(Emphasis added). Accordingly, the rejection of claims 7, 8, 9, 21 and 26 under 35 USC 112, first paragraph is improper and should be reversed.

B. Claim 27

The Examiner rejected claim 27 under 35 USC 112, first paragraph as allegedly containing subject matter not described in the specification. In particular, the Examiner asserts that "Applicant's disclosure as originally filed does not divulge the concept of 'distinct' software programs. Inclusion of such a concept is new matter." (Final Office Action, page 4).

However, the assertion that the disclosure as originally filed does not divulge the concept of distinct software programs is incorrect. Paragraph [0032] of the present application specifically recites:

**[0032]** The error messages from a number of printers 10 may be all conveyed to the same network address, allowing the online database 60 to contain error messages from any number of printers. Alternatively, a number of different IP addresses may be used, allowing for a number of online databases to be maintained. It is preferred that if a number of different databases are kept, each database 60 will receive and contain information from a number of printers that are selected in various ways. This may be accomplished through the providing of each database 60 with separate IP addresses, among other possibilities. For example, only printers of a certain model may convey error messages to one database 60. Alternatively, only printers running certain software programs may send error information to a particular database 60. A single printer 10 may send error information to one or more databases 60 at the same time.

(Emphasis added). Appellant notes that the term “printers” is plural as is the phrase “software programs.” Moreover, multiple databases are described where printers running a certain software program send error messages to a particular database 60. Thus, Paragraph [0032] discloses a plurality of printers and a plurality of software programs. Paragraph [0032] discloses that error messages from a first printer running a first software program may be sent to a first database while error messages from a second printer running a second software program may be sent to a second database.

Paragraph [0032] clearly supports the concept of multiple databases 60 which receive error messages from particular printers based upon the type of software programs running on such printers. Paragraph [0032] clearly supports printers running distinctive software programs, wherein their error messages from such printers having distinctive software programs are sent to different databases 60. One of ordinary skill in the art would clearly understand this from Paragraph [0032]. Accordingly, Appellant had possession of the invention of claim 27 at the time of

filing. The rejection of claim 27 under 35 USC 112, first paragraph should be reversed.

**II. The Examiner's Rejection of Claims 21 and 26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6782495 (Bernklau-Halvor) Should be Reversed Because Bernklau-Halvor Does Not Include Every Limitation of Each of the Claims.**

Claim 21 is directed to a system for garnering information on printer errors. The system includes a plurality of printers with each of the printers incorporating a web server and an error detector for detecting errors in printing functions. The system further includes at least one receiving computer and at least one online error database capable of receiving an error message generated by any of the plurality of printers. Each printer is configured to automatically generate and convey the error message over a network to the least one online error database upon detection of an error.

Claim 26 is directed to a method which includes detecting a first error at a first printer incorporating first Web server, generating a first error message at the first printer and conveying the first error message to the first online database with the first Web server over a network. The method further includes detecting a second error and a second printer incorporating a second Web server, generating a second error message at the second printer and conveying the second error message to the first online error database with the second Web server over a network. Claim 26 specifically recites that first error messages automatically conveyed to the online error database in response to detection of the first error.

Bernklau-Halvor fails to disclose a system having an error database that receives error messages from multiple printers, wherein error messages are automatically generated and conveyed over a network to the least one online error database upon detection of an error. In contrast, Bernklau-Halvor only transmits the usage profile record after the user has specifically requested support for the printer.

(See column 2, lines 21-65). Until such a request is made by the user, the usage profile information is, at most, stored in the printer itself. (See column 4, lines 46-50; column 5, line 16-18). Column 4, lines 50-55 specifically states:

when a request for service is made to the supply server 12, the support server will request any usage profile information stored about the printer to be sent to it for analysis. Alternatively, the printer may send the usage profile information with the request for support.

(Emphasis Added).

In response to such points raised by Appellant with regard to claim 21, The Examiner asserts:

Bernklau-Halvor taught the printer is configured to automatically generated and convey the error message over the network to the at least one online error database upon detection of an error (column 15, lines 27-31).

(Final Office Action, page 5).

However, this assertion is incorrect. Column 15, lines 27-31 of Bernklau-Halvor say nothing about automatically generating and conveying an error message over the network upon detection of an error. Column 15, lines 27-31 of Bernklau-Halvor states:

Usage Profile database 116 is used to store the Usage Profile information submitted from the user's printer. In addition to PhaserSMART submitted to Usage Profile information, this database may also contain the Usage Profile information submitted via e-mail from printers.

This relied upon portion of Bernklau-Halvor merely discloses how, not when, the Usage Profile information is submitted from the printer. As noted above, this information is submitted when a request for service is made by the user of the printer. Accordingly, the rejection of claims 21 and 26 is improper and should be reversed.



**Conclusion**

In view of the foregoing, the Appellants submit that Claims 7, 8, 9, 21, 26 and 27 are not properly rejected under 35 U.S.C. § 112, first paragraph as failing to satisfy the written description requirement and are therefore patentable. Claims 21 and 26 are not properly rejected under 35 U.S.C. § 102(e) as being as being anticipated by U.S. Patent No. 6,782,495 (Bernklau-Halvor) and are therefore patentable. Accordingly, Appellant respectfully requests that the Board reverse the rejections of claims 7, 8, 9, 21, 26 and 27 and indicate that a Notice of Allowability respecting such pending claims should be issued.

Summary

For the foregoing, it is submitted that the Examiner's rejections are erroneous, and reversal of the rejections is respectfully requested.

Dated this 3rd day of December, 2007.

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**CLAIMS APPENDIX**

1. (Canceled)

2. (Canceled).

3. (Canceled)

4. (Canceled)

5. (Canceled)

6. (Canceled)

7. (Previously Presented) A method of collecting information on printer errors over a network, comprising:

providing a printer incorporating a web server, said printer comprising a error detector for detecting errors in printing functions;

attaching said printer to a network, such that said web server is linked to said network;

providing at least one receiving computer in communication with said network, said at least one receiving computer including at least one online error database stored within a memory therein, said at least one online error database capable of receiving an error message generated by said printer and conveyed over said network;

conveying a print job over said network to said printer;

receiving said print job at said printer;

examining said print job for transmittal errors with said error detector;

detecting transmittal errors in said print jobs which contain transmittal errors;

generating a transmittal error message containing details of said transmittal errors;

conveying said transmittal error message over said network with said web server automatically in response to detection of the transmittal error;

receiving said transmittal error message into said at least one online error database by said receiving computer.

8. (Previously Presented) The method of claim 7, further comprising:

processing said print job with said printer;

detecting process errors where said processing results in said process errors;

generating a process error message containing details of said process errors;

and

conveying said process error message over said network with said web server automatically in response to detection of the process error;

receiving said process error message into said at least one online error database by said receiving computer.

9. (Previously Presented) The method of claim 7, further comprising:

printing a document specified in said print job with said printer;

detecting output errors where said printing results in said output errors;

generating an output error message containing details of said output errors;

conveying said output error message over said network with said web server automatically in response to detection of the output error; and

receiving said output error message into said at least one online error database by said receiving computer.

10. (Original) The method of claim 7, further comprising attaching a workstation in communication with the printer, such that said print job originates on said work station and is conveyed to said printer.

11. (Original) The method of claim 10, where said print job is conveyed to said printer in PCL format.

12. (Original) The method of claim 8, where said processing includes converting said print job into RIP format and storing said print job in a job retention memory located in said printer.

13. (Original) The method of claim 9, where said printing includes controlling mechanical printing components of said printer to produce said document.

14. (Original) The method of claim 7, where said error message is generated in HTML format.

15. (Original) The method of claim 7, where said network comprises the internet.

16. (Canceled)

17. (Canceled)

18. (Canceled)

19. (Canceled)

20. (Canceled)

21. (Previously Presented) A system for garnering information on printer errors, comprising:

a plurality of printers, each printer incorporating a web server linked to a network, each printer including an error detector for detecting errors in printing functions;

at least one receiving computer in communication with said network, said at least one receiving computer having a memory thereon; and

at least one online error database stored within the memory of said at least one receiving computer, said at least one online error database capable of receiving an error message generated by any of the plurality of printers and conveyed over said network, wherein the printer is configured to automatically generate and convey the error message over said network to the at least one online error database upon detection of an error.

22. (Canceled)

23. (Previously Presented) The method of claim 7, wherein the error message is selectively stored in one of a plurality of online error databases based upon at least one of a model type of the printer or a set of software programs being run by the printer.

24. (Previously Presented) The method of claim 7, wherein the error message is stored in a plurality of online databases.

25. (Cancelled)

26. (Previously Presented) A method comprising:  
detecting a first error at a first printer incorporating a first web server;  
generating a first error message at the first printer;  
conveying the first error message to a first online error database with the first web server over a network;  
detecting a second error at a second printer incorporating a second web server;  
generating a second error message at the second printer; and  
conveying the second error message to the first online error database with the second web server over a network, wherein the first error messages automatically conveyed to the online error database in response to detection of the first error.

27. (Previously Presented) A method comprising:

detecting a first error at a first printer incorporating a first web server;

generating a first error message at the first printer;

conveying the first error message to a first online error database with the first web server over a network;

detecting a second error at a second printer incorporating a second web server;

generating a second error message at the second printer; and

conveying the second error message to the first online error database with the second web server over a network;

for each of a first plurality of printers comprising a first model type or running a first set of software programs, the first plurality of printers including the first printer and the second printer, conveying generated error messages to the first online error database based on the first model type or the first set of software programs of each of the first plurality of printers; and

for each of a second plurality of printers having a second distinct model type or running a second distinct set of software programs, each printer of the second plurality of printers incorporating a web server:

detecting error messages;

generating error messages; and

conveying the generated error messages to a second online error database based on the second distinct model type or second set of software programs of each of the second plurality of printers.

**EVIDENCE APPENDIX**

There is no evidence previously submitted under 37 C.F.R. §§ 1.130, 1.131 or 1.132 or other evidence entered by the Examiner and relied upon by Appellant in this appeal. Accordingly, the requirements of 37 C.F.R. §§ 41.37(c)(1)(ix) are satisfied.

**RELATED PROCEEDINGS APPENDIX**

There are no decisions rendered by a Court of the Board in a proceeding identified in the Related Appeals and Interferences section. Accordingly, the requirements of 37 C.F.R. §§ 41.37(c)(1)(x) are satisfied.